

STOP PUPPY FARMING

Local Government Consultation

June 2018

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Having your say

This paper is designed for local government to discuss the recommended actions and proposed implementation process of the stop puppy farming proposals.

The feedback provided will assist in informing the government on the role of local government in supporting the implementation of the stop puppy farming provisions and identify the resource requirements.

The Department is committed to working with local government to stop puppy farming.

We are working with WALGA and Local Government Professionals to ensure this discussion paper reflects the information you need to make a considered response and tell us what these initiatives mean for the business of local government.

The review of the Cat and Dog Act is likely to commence in the next financial year, which presents an opportunity for us to start thinking about our 'companion animals' and how they should be managed, and the process costed. Given the Stop Puppy Farming initiatives will require an amendment to the Dog Act it's timely to turn our minds to what this may look like.

As such, the Department is partnering with WALGA and Local Government Professionals to develop a cost modelling project. The purpose of this project will be to collect current information about the costs to your council to implement the Dog Act and what you believe may be the costs to implement the Stop Puppy Farming initiatives.

Stop Puppy Farming

1.1 Introduction

The Western Australian Minister for Local Government has committed to introducing the necessary legislative provisions to stop puppy farming and improve the health and wellbeing of all dogs in Western Australia.

While there are already legislative powers to investigate and prosecute those who mistreat their animals, legislation relevant to puppy farming is needed to facilitate the investigation and prosecution of puppy farming in WA.

The RSPCA defines 'puppy farming' as intensively breeding dogs under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs.¹ The issue with puppy farming is that dogs bred in inadequate conditions, or used for breeding in inadequate conditions, can suffer from a range of health and behavioural issues. The other issue is that puppy farming is resulting in too many dogs being bred that do not have homes.

Currently, the management of puppy farms is through a two-pronged approach.

The *Dog Act 1976* provides for the responsible management of all dogs in Western Australia. The Act is administered and enforced by local governments and provides for the control and registration of dogs, the ownership and keeping of dogs and the obligation and rights of dog owners. The Dog Act requires that all dogs are registered and places certain limits on the number of dogs a person can have at any property. This Act therefore impacts on puppy farming by limiting dog numbers.

The other legislation used to manage puppy farms is the *Animal Welfare Act 2002* (Animal Welfare Act) which provides for the protection of animals from cruelty. This piece of legislation covers the treatment of the animals on a puppy farm.

There is currently no legislation which deals specifically with the overbreeding of dogs in Western Australia or encourages responsible breeding.

In May 2016, the WA Labor Government released its Stop Puppy Farming Policy. The Policy outlines a number of measures to stop the overbreeding of dogs, covering changes to both the Animal Welfare Act (mandatory standards) and to the Dog Act (other initiatives).

These measures include:

¹ RSPCA, What is a puppy farm? http://kb.rspca.org.au/What-is-a-puppy-farm_322.html

- the transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters;
- mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;
- a centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and
- mandatory standards for dog breeding, housing, husbandry, transport and sale.

Consultation with the community on the impact and implementation of these measures is currently being undertaken. Community members can provide their feedback through a variety of means including undertaking an online survey, submitting a written response, or attending a community workshop.

Consultation with the local government sector is being undertaken in a separate process. The Department is working with WALGA to consult with the sector on how these measures can be implemented and what the impact will be on local governments.

1.2 Local Government's Role

Recent publicly available research indicates that between 34%-42% of households in Western Australia own a dog which compares to the national average of 38%²³. With the number of households in Western Australia estimated to be 938,000, this suggests there are in the range of 320-390,000 dogs in the State. A survey of local governments conducted by the Department of Local Government, Sport and Cultural Industries has indicated that approximately 345,000 dogs are registered with local governments in Western Australia. Averaging these estimates provides a dog population of around 350,000.

The Government has commissioned research and consulted on ways to prevent puppy farming, and reduce the number of unwanted dogs that are either euthanised, surrendered or abandoned. The most pragmatic approach to achieve the key objectives is to amend to the Dog Act.

Currently, Local Governments are responsible for administering and enforcing the provisions of the Dog Act in their district.

² Animal Medicines Australia, Pet Ownership in Australia 2016. Note that the sample size for this report is small and, therefore, the results may not be accurate.

³ Doggone it: pet ownership in Australia, Roy Morgan Research 2014.

Amendments to the Dog Act are being considered that would impose additional responsibilities on local government authorities, including:

- enforcing the mandatory dog de-sexing requirement (by taking action against owners when this comes to the local government's attention);
- processing dog breeder applications;
- enforcing the dog breeder registration requirement;
- inputting information into a centralised registration system, as opposed to the local government's own dog register.

It is proposed that the State will develop a centralised registration system that is used by all local governments. For local government this means instead of maintaining individual dog registration databases, local government will continue to be responsible for processing of dog registrations and uploading the registrations to a centralised system. We are working with the local government sector to undertake economic modelling to anticipate what these costs may look like.

The costs that will be evaluated include:

- costs associated with enforcing the provisions (as itemised above);
- costs associated with transitioning local governments to a centralised registration system;
- costs involved with assisting communities to comply with the new provisions, for example, assisting remote communities to access veterinary services to de-sex dogs by the mandatory age;
- costs of prosecution and defending appeals to prosecution; and
- scoping the capacity and costs of local governments being the agency responsible for enforcing the requirement that pet shops only source dogs from accredited rescues and shelters.

1.3 Other Enforcement Agencies

Consideration is being given to which authority or agency should be responsible for enforcing other aspects of these proposals, such as:

- the requirement that pet shops only source and sell dogs from accredited rescue organisations or shelters;
- the requirement to provide particular information when advertising and/or transferring a dog.

The Government's commitment to introduce mandatory standards for dog breeding, housing, husbandry, transport and sale (the standards) is being progressed by the

Department of Primary Industries and Regional Development (DPIRD) the agency responsible for administering the *Animal Welfare Act 2002*.

Amendments to the Animal Welfare Act are currently before Parliament. If these amendments are adopted, animal standards will be able to be adopted under the Animal Welfare Act, including the mandatory standards for dog breeding, housing, husbandry, transport and sale.

DPIRD will undertake consultation on the standards once they have been drafted. Their enforcement will be a matter to be determined at that stage.

Currently the Animal Welfare Act is enforced by inspectors appointed under the Animal Welfare Act. Local governments therefore do not have the power to enforce the standards unless they have employees who are inspectors appointed under the Animal Welfare Act.

The local government will be able to refuse or cancel dog breeder registrations where a breach of the Animal Welfare Act or the standards is found. At this stage, local governments will not be responsible for determining if a breeder is compliant with the standards when approving dog breeder registrations, but will need to ensure the owner has made a declaration that they are compliant with the standards.

1.4 Cost Recovery

The proposed initiatives are also about working towards improving services to the community. While efficiencies will be realised, local governments may incur costs in undertaking these additional responsibilities. The Department is working with WALGA and LG Professionals to develop a cost recovery methodology to ensure appropriate fees can be set for local governments to recover these costs.

Currently, local government collect dog registration fees that contribute to local government costs. The State Government is responsible for setting dog registration fees which apply to all local government jurisdictions – these have been set after surveying local governments as to their costs.

It is proposed that local governments could recover costs through the following fees:

- dog registration fees;
- dog breeder registration fees;
- kennel establishment fees.

The amount of these fees would be based on recovering costs for local governments.

Questions

1. What mechanisms should local governments use to collect funds to cover the costs associated with enforcing the new provisions under the Dog Act? (multiple options can be selected):
 - By charging cost-recoverable dog registration and dog breeder registration fees to cover all costs
 - By charging dog registration and dog breeder registration fees at a level to recover these costs and increasing fines to recover enforcement costs
 - Other – please specify:**
The City of South Perth believes that there will never be 100% cost recovery for all enforcement under the Dog Act, however it is recommended that the dog registration fees be increased slightly as the last increase was in 2013 when amendments were made and the dog breeder fees be charged at a rate that is cost recoverable to the application process.

2. Should fees used to cover the costs incurred by local governments to enforce the Dog Act be consistent across the State, or should local governments be able to set their own fees?
 - Fees should be consistent across the State**
 - Fees should be set by the individual local government and apply to their district only
 - Unsure
 - Other – please specify: _____

3. Is charging cost recovery likely to have any adverse impacts for your community?
 - No
 - Yes**
 - Unsure
 - If yes, please provide details:**
If cost recovery is too high then this would be a disadvantage to low

Questions

income earners and pensioners. Cost recovery should be set by taking into consideration both low income earners and pensioners whilst still obtaining a portion of cost recovery for enforcement.

4. Are there benefits in your local government subsidising registration costs?

No

Yes

Unsure

If yes, please provide details:

Cheaper registrations can increase compliance of owners registering their animals.

Mandatory De-sexing for Non-Breeding Dogs

3.1 Introduction

Currently, dogs are not required to be de-sexed in Western Australia. Owners are encouraged to de-sex their dogs, and owners of de-sexed dogs pay a lower dog registration fee than owners of other dogs.

A recent survey of Western Australian local governments, with 43 out of 137 local governments responding, found that 82% of registered dogs were de-sexed.

The additional consultation in this document focuses on the following elements of implementation:

- Age of mandatory de-sexing
- Age for registration and microchipping
- Additional exemptions
- De-sexing vouchers
- Enforcement

3.2 Objective

The objective of mandatory dog de-sexing is two-fold:

- to prevent unwanted litters being bred
- to prevent puppy farmers from breeding dogs unless they are registered breeders.

The primary objective of mandatory dog de-sexing is to reduce the number of unwanted dogs being born that are then either euthanised, abandoned, or surrendered to dog rescues or shelters.

Uncontrolled and unrestricted breeding of dogs can lead to dogs being overbred and contribute to the unwanted dog population. Mandatory de-sexing will help to ensure there is no unintended breeding of dogs.

Dog owners will be required to de-sex their dog unless they register as a dog breeder.

The objective is to stop indiscriminate breeding, and only allow people that are registered breeders to breed dogs, so they can be identified and traced.

3.3 Age of mandatory de-sexing

The Dog Act will be amended to require all dogs to be de-sexed by the time they reach a particular age. This age is yet to be determined.

Option 1: Mandatory dog de-sexing by three months of age

One option is to require all dogs to be de-sexed by three months of age. This would be consistent with the current requirement for registration and microchipping and with the age for de-sexing dangerous (restricted breed) dogs. Dogs are generally unable to breed before the age of three months so this age eliminates the risk of unwanted puppies being born.

Exemptions issued by veterinarians are proposed for dogs that are too young to be de-sexed. Dogs to be used for breeding would also be exempt.

Option 2: Mandatory dog de-sexing by six months of age

Another option is to require all dogs to be de-sexed by six months of age.

Opinions differ on the best age for de-sexing with many veterinarians preferring not to de-sex a dog until it is close to six months old.

Both male and female dogs are generally able to breed by six months, with the females of smaller breeds becoming sexually mature by four months. Larger breeds may not be sexually mature for a year or more.

South Australia and the Australian Capital Territory have introduced mandatory dog de-sexing by six months old.

Questions

1. Should mandatory dog de-sexing apply to all dogs, including existing dogs, or just dogs born after a particular date?

- All existing dogs, with a phase in period for when existing dogs must be de-sexed
- Only dogs born after a particular date
- Unsure
- Other**

Questions

Comments: The blanket prohibition proposed by the State Government to de-sex all dogs in the City of South Perth is an excessive and unnecessary infringement on personal liberty of residents.

Encouraging residents to have their dogs de-sexed via financial incentives is a defensible and reasonable method of reducing the numbers of unwanted puppies.

More draconian restrictions on personal liberties are not required, justified or desirable. For example, there are no packs of wild dogs bred locally from un-de-sexed dogs causing personal injury or roaming the streets of South Perth leaving residents in fear.

The City of South Perth supports financial incentives for de-sexing dogs such as higher registration fees for dogs which do not have a certificate confirming the dog has been de-sexed.

However if the State Government is to introduce mandatory de-sexing then standard exemptions should apply allowing a vet to supply a certificate of an exemption if the de-sexing will adversely affect the health and welfare of the dog.

This exemption is already under the Cat Act 2011, section 18(2)
(2) A cat is exempt from sterilisation if any of the following apply in respect of the cat —

(a) a certificate given by a veterinarian stating that to sterilise the cat may adversely affect the health and welfare of the cat applies in respect of the cat;

(b) the cat is owned, for the purpose of breeding, by an approved cat breeder;

3.4 Age for registration, microchipping and de-sexing

Currently dogs are required to be registered and microchipped by the time they are three months old.

The following addresses possible ways to deal with registration and microchipping if the requirement for de-sexing is set at six months or an age that is greater than three months.

Option 1 – Registration, microchipping and de-sexing by six months

Under this option, the Dog Act would be amended so that registration, microchipping and de-sexing must be completed by the time a dog reaches six months of age.

The benefits include:

- enabling local governments to sight evidence of microchipping and de-sexing at the time of registration
- administrative efficiency for local governments
- less confusion for owners, which would increase compliance
- convenience for dog owners in being able to have their dog microchipped and de-sexed in the same veterinarian visit.

The key disadvantage is the inability to identify dogs (either by registration records or microchips) before six months. This may result in dogs not being returned to owners and being sent to the pound and/or a dog rescue or shelter. This would also result in a three month delay in revenue collection for local governments.

Option 2 – Limited registration at three months; full registration on de-sexing

This option proposes the following:

- the retention of the current provisions under the Dog Act requiring dogs to be registered and microchipped by three months of age, and
- a short-term registration (three months) for dog owners registering a dog that has not been de-sexed.

This allows dogs to be identified from three months of age but provides an additional administrative burden on both the owner and the local government in having to register a dog twice. Furthermore, local governments would need to follow up when people do not re-register their dogs at 6 months incurring further costs to local governments.

Option 3 – Registration at three months; onus on owner to advise when dog de-sexed

Under this option, the owner would be responsible for notifying the relevant local government once their dog was de-sexed. The owner would need to provide a copy of the sterilisation certification to the local government – this could be done by email or attached to an electronic form.

The local government would then update the registration database. This would create an additional administrative burden on local governments.

Owners of dogs that had their dog de-sexed after registering their dog would be eligible for a refund of a portion of their dog's registration fee, to account for the fact that the dog is now de-sexed. This would create an additional administrative burden on local governments in having to conduct refunds.

Questions

2. Please indicate your preference for the following:

- Option 1 – registration, microchipping and de-sexing by six months**
- Option 2 – limited registration at three months; full registration on de-sexing
- Option 3 – registration at three months; onus on owner to advise when dog de-sexed

Please provide reasons for your preference:

Option 1 to allow registration, microchipping and de-sexing to be completed by the time a dog reaches six months of age would make it easier for each local government and less time consuming. This would eliminate any issues of lack of enforcement and increase administrative efficiency as the Local Government is accepting all the information with the registration application rather than accepting the registration at three months, then obtaining the microchip and de-sexing information at six months. This option would enable the local governments to sight evidence of microchipping and de-sexing at the time of registration.

There would be less confusion for owners, which would increase compliance and the convenience for dog owners in being able to have their dog microchipped and de-sexed in the same veterinarian visit.

The key disadvantage is the inability to identify dogs either by registration records or microchips before six months of age; however education in this space from Local Governments and the Department of Local Government, Sport and Cultural Industries would assist with dogs being returned to owners. Another disadvantage would be a three month delay in revenue collection for local governments; however this will still be taken at six months which should not have a great impact on Local Government budgets if accounted for correctly.

As commented above under “3.3 Age of mandatory de-sexing” the blanket prohibition proposed by the State Government to de-sex all dogs in the City of South Perth is an excessive and unnecessary infringement on personal liberty of residents.

Encouraging residents to have their dogs de-sexed via financial incentives is a defensible and reasonable method of reducing the numbers of unwanted puppies.

The City of South Perth supports financial incentives for de-sexing dogs such as higher registration fees for dogs which do not have a certificate confirming the dog has been de-sexed.

From 1 July 2018 South Australian veterinarian practices will be responsible for updating a centralised dog registration database when a dog is de-sexed. This would replace the need to issue a sterilisation certificate.

3. Would you support this approach?

- Yes
- No**
- Unsure

Please provide reasons for your response:

The City of South Perth believes that the owner should still supply a certificate of de-sexing at the time of registration to assist with proof of de-sexing and for the Local Government records.

3.5 Additional possible exemptions from de-sexing

Exemptions from mandatory de-sexing will apply for health and welfare reasons as assessed by a veterinarian, and if the dog owner is a registered dog breeder.

Dog breeders will be required to register with their local government. Dog breeder registration is discussed in more detail in the Centralised Registration System section of this paper.

Livestock working dogs

Livestock working dogs require particular traits, with dogs that demonstrate these traits being bred to ensure that future working dogs also have these particular traits. Livestock working dogs are generally only used for breeding once the dog has a proven ability as a working dog, usually by two to three years of age.

If a primary producer is required to de-sex their dog at an early age, they will not be able to assess whether a dog has the desirable traits and should be used for breeding. Mandatory de-sexing could reduce the working dog gene pool.

On the other hand, unintended breeding could result in unwanted dogs.

Questions

4. Should livestock working dogs be exempt as a class from mandatory dog de-sexing?

- Yes**
 No
 Unsure

Please provide reasons for your preference:

The exemption of mandatory dog de-sexing for livestock working dogs could be under the Breeders Licence so it allows owners to still be able to assess whether a dog has the desirable traits and should be used for breeding.

Bona fide working dogs are not domestic pets. They are involved in the Primary Production Industry and it often takes time working with a dog to know whether or not it is a good working dog and then to breed from it. Bona fide working dogs are already provided for in the Act for registration fees

5. If working dogs are required to be de-sexed by a particular age, at what age should working dogs be required to be de-sexed?

Please see Section 4 above. Any requirement for a working dog to be de-sexed by a particular age should require further consultation with working dog owners, dog behaviourists and recognised dog breeding associations on this.

6. How could this be enforced?

This could be enforced by provisions under a Breeders Licence.

Dogs held by persons registered with recognised breeding associations

Consideration is being given to exempting members of recognised dog breeding associations from having to de-sex their dogs.

3.6 Transferring dogs

Dog breeders and dog owners will be required to de-sex any dog transferred to another person unless:

- the new owner is a registered breeder
- the new owner is a member of a recognised association or organisation that is exempt from the mandatory de-sexing requirement
- the dog is exempt by a veterinarian from being de-sexed on health grounds (unless the exemption is because the dog is too young to be de-sexed)
- the dog is too young to be de-sexed and is accompanied by a prepaid de-sexing voucher.

Requiring dog owners and breeders to de-sex a dog before it is transferred will ensure there is compliance with the de-sexing requirements.

In cases where a dog is too young to be de-sexed, it is proposed that a breeder or owner transferring a dog provide the new owner with a pre-paid voucher that will at least partially cover the cost of de-sexing. This aligns with the requirements in the Cat Act.

The cost of having a dog de-sexed varies greatly, depending on such factors as the age and weight of the dog. The voucher could be set at a particular amount with the new owner paying any additional amount.

One of the matters to be considered is how these vouchers could be used at veterinarian practices other than the issuing one. This is important for owners who source their dogs from places far from their homes.

3.7 Enforcement

It is necessary to consider how mandatory dog de-sexing will operate alongside the current requirements under the Dog Act; and how local governments can efficiently monitor compliance.

Currently, local governments are responsible for monitoring and enforcing compliance with the following requirements under the Dog Act:

- dogs to be registered with the local government by the age of three months
- dogs to be microchipped by the age of three months.

Local governments check compliance with the microchipping requirement at the point of registration. A local government can refuse to register a dog that is not microchipped and it is an offence for a person to keep a dog over the age of three months if it is not registered. Effectively, an owner must have their dog microchipped before they can register a dog with their local government.

Owners of certain dangerous dogs are currently required to de-sex their dogs. A dog owner is required to provide a dog sterilisation certificate issued by a veterinarian as evidence that the dog is de-sexed. Alternatively, a dog's de-sexed status can be checked by the local government by viewing a sterilisation tattoo on the dog's ear, although this method of marking a dog is now rare.

Local governments would appear to be the relevant authority responsible for monitoring and enforcing the compliance of mandatory dog de-sexing, especially at the point of registration.

Local governments would be responsible for:

- checking a dog's de-sexed status when processing dog registrations;
- enforcing the mandatory dog de-sexing requirement against non-compliant owners.

Currently, owners who register de-sexed dogs with their local government pay a lower registration fee than owners of dogs that are not de-sexed, creating an incentive for owners to de-sex their dog. It is proposed to maintain a lower registration fee for de-sexed dogs to further incentivise de-sexing.

Economic modelling will be undertaken to assess the costs that local governments will incur as a result of enforcing these requirements.

Questions

7. Who do you believe is best placed to monitor compliance with de-sexing?
- Local Governments**
 - Other – please specify: Recognised Dog Breeders Associations**

Please provide reasons for your preference:

Recognised Dog Breeders Associations can monitor compliance of de-sexing; however the Local Government should still be responsible for enforcing compliance under the Dog Act.

Centralised Registration System

4.1 Introduction

A key element of the McGowan Government's Stop Puppy Farming commitment is the introduction of an online centralised dog registration system in Western Australia.

The centralised registration system will be used to identify every dog or puppy by recording:

- dog registrations
- dog breeder registrations
- any change in ownership of dogs or puppies.

The Dog Act will be amended to make it a requirement to register on the system and update particular information on the system within seven days of the change occurring.

The additional consultation in this document focuses on the following elements of implementation:

- General
 - Access to the system
 - Additional information to be included in the system
- Dog Registrations
 - Dog registration information to be included in the system
 - Updating dog registration information in the system
 - Transitioning existing dog registers
- Dog Breeder Registrations
 - Application and approval of dog breeder registrations
 - Conditions of dog breeder registration
 - Exemptions
- Transferring a dog

4.2 Current situation

Local Governments

Currently under the Dog Act, the local government is responsible for keeping a record of dogs registered in their district. The dog register is specific only to that local government district (unless two or more local governments work together to maintain a joint system). This can create difficulties in identifying lost dogs from different local government districts, particularly if a dog's microchip information has not been updated with the current owner's details.

The local government is responsible for processing dog registration applications and can refuse to register a dog on specific grounds, such as when a dog is not microchipped.

The local government issues each dog registered in their district with a registration number and a registration tag.

Dog breeders

Dog breeders in Western Australia are not currently required to register as 'dog breeders'. They are, like all dog owners, required to register their dogs with their local government. They are also required to obtain an exemption or kennel establishment licence if they keep more dogs on any one premises than is permitted.

4.3 Objective

Currently, the difficulty in identifying puppy farms hinders the enforcement and prosecution of relevant legislation against puppy farmers.

Centralised Registration System

The centralised registration system is a tool which will allow authorities to identify and monitor all dog breeders and dog owners for compliance with legislative requirements.

Members of the public will be educated about sourcing their new dog or puppy from breeders who are registered and who supply the dog's microchip number and the seller's dog owner number. The centralised registration system is the tool that will allow members of the public to verify if a dog breeder is registered, to allow them to source dogs and puppies from registered dog owners and dog breeders.

Dog Breeder Registration

Dog breeder registration will allow authorities to identify dog breeders so they can be monitored for compliance with legislative requirements. If a dog breeder is not breeding dogs in accordance with the Dog Act, any relevant Dog Local Law, the Animal Welfare Act or the mandatory standards for dog breeding, housing, husbandry, transport and sale, the local government will be able to cancel the dog breeder registration and require that their dogs be sterilised in accordance with the Dog Act to ensure they can no longer breed dogs.

Breaches of the standards would be pursued under the Animal Welfare Act, with breeders' subject to prosecution and fines under that Act. Only an animal welfare inspector can determine if a standard has been breached.

Recording the breeder's dog owner number on a dog's microchip database will allow authorities to trace a dog back to its breeder if issues with puppies or dogs are identified, such as genetic health concerns.

4.4 Access to the System

	View and update own information*	View and update all information	Limited dog breeder verification information**	Search for dogs on the system
Dog owners	X			
Dog breeders	X			
Local governments and State government authorities	X	X	X	X
Members of the public			X	
Dog management facilities and recognised dog shelters and rescues	X		X	X

*Dog owners would be able to update certain information (not all information) of their registration such as a change of address or changes to other contact details. Dog owners could also update the status of their dog, including updating its status to 'missing' or 'deceased'.

**As a minimum, the information on the dog owner that will be shown to a member of the public will include:

- their name;
- their postcode;
- their unique dog owner number; and
- their dog breeder registration status.

Questions

1. Are any other authorities or groups that should have access to the system?

Yes – please specify below.

No

Unsure

Please specify: _____

2. What type of access should they have?

View their own records

Update their own records

View all records

Update all records

Approve changes to records

3. What information on a dog owner should a member of the public be able to view to ascertain if the dog owner is a registered dog breeder? (more than one option can be selected)

A dog owner's name

A dog owner's postcode

A dog owner's number

Whether the dog owner is a registered dog breeder

Other – please specify: _____

4.5 Additional information

The breadth of information recorded on the centralised registration system will affect how it can be used, and by whom it can be used. It is also likely to affect the cost.

There is the potential to record additional information on the centralised registration system, including the following:

- A register of approved kennel establishments in Western Australia (including the ability to apply for a kennel establishment licence on the system)
- A register of dog management facilities in Western Australia
- A register of pet shops transferring and selling dogs in Western Australia
- A register of dangerous dogs (declared and restricted breed)
- Information on particular dog owners, such as dog owners that are subject to a court order or have been convicted of offences under:

- the Dog Act
- a dog local law or by-law
- the Animal Welfare Act
- Information on dogs:
 - that have been seized by the local government at any time
 - that have been involved in a dog attack
 - that have not been controlled by their owner in accordance with the Dog Act
 - that have caused a nuisance or are subject to a nuisance complaint
 - that are subject to a destruction order
- Information to inform compliance with the standards for dog breeding, housing, husbandry, transport and sale.

The benefit of keeping this information is that these facilities, businesses, dogs and dog owners could be more readily identified and monitored by relevant authorities.

The inclusion of this additional information could result in additional costs, including:

- costs associated with creating a system that included and stored this additional information
- costs to particular stakeholders who would be responsible for uploading this information
- costs to local governments in processing this information
- costs to relevant enforcement authorities in monitoring this information.

Dog registration fees, and dog breeder registration fees would need to accommodate these costs.

Cat Registration

Currently under the *Cat Act 2011*, local governments are responsible for:

- processing cat registration applications;
- approving cat breeder applications; and
- maintaining a register of cats in their district.

As with dog registers, cat registers are specific only to that local government district (unless two or more local governments work together to maintain a joint system).

Questions

4. Would it be beneficial for your local government if cat and cat breeder registrations were also transitioned to the centralised registration system?

- Yes**
- No
- Unsure

5. How would transitioning cat and cat breeder registrations to a centralised registration system be beneficial to your local government?

- Administrative efficiency**
- Consistency with centralised dog registrations**
- No requirement to maintain own register
- Other – please specify: _____
- It would not be beneficial – please specify: _____

6. Would any of the following additional information be useful for your local government?

- Approved kennel establishments**
- Dog management facilities**
- Pet shops that sell or transfer dogs**
- Dangerous dogs**
- Dog owner's subject to Court orders or convicted of particular offences**
- Dogs that have been seized by the local government**
- Dogs involved in a dog attack**
- Dogs that have not been controlled by the owner – **Not Required**
- Dogs that have caused a nuisance or are subject to a nuisance complaint**
- Dogs that are subject to a destruction order**
- Other information – please specify: _____

Please indicate why you think it would be useful: _____

7. What additional costs would including this information in the system create for your local government?

- Processing the additional information**
- Monitoring the additional information**
- Other: _____

8. Would it be easier for your local government to process and record kennel establishment licences through the system?

- Yes**
- No
- Unsure

Please give your reasons:

The City of South Perth doesn't have any kennel establishments however we believe that Kennel establishment licences should be recorded by Local Government so there is better control of all information like the history of the dogs and owners of Kennel establishments. This will assist with any enforcement by the Local Government.

4.6 Dog registration information

The breadth of information recorded on the centralised registration system will affect how it can be used, and by whom it can be used. It is also likely to affect the cost.

General information

Dog registration information that will be kept on the centralised registration system will include:

- Current information requirements: the information a dog owner must currently provide to register a dog in Western Australia is set out under Form 4 of Schedule 1 of the *Dog Regulations 2013*. This includes information on the following:
 - dog owner details, including their address and contact details
 - **whether the dog can be effectively confined to the premises**
 - dog details, including age, breed, microchip details, whether the dog is a commercial security dog or a dangerous dog
 - the number of dogs on the premises
 - information on any previous convictions for offences against the Dog Act, Cat Act or Animal Welfare Act
 - a declaration that the information in the application is true and correct
- In addition, dog owners will be required to provide:
 - further information on their dog's sterilisation status
 - their unique dog owner number (if known, otherwise they will be issued with one)
 - the dog owner number of the dog's breeder (if known).

This is the minimum level of dog registration information that will be stored on the centralised registration system.

Questions – All

9. Please indicate if you think any of the additional information should be included on a dog's registration:

- information on whether the dog is used as a livestock working dog**
- information on whether the dog is used as an assistance dog**

Please indicate why you think this information will be beneficial:

This information will assist with the history of the dog in relation to any enforcement required. Under the Dog Act these dogs are exempt or discounted relating to registration fees.

4.7 Updating dog registration information

The online centralised registration system will have the capacity to allow a range of users to register and update information recorded on the system in Western Australia.

Verification of some of the information recorded on the system will need to be undertaken to ensure the information is accurate, such as the sterilisation status of a dog.

The following users will be able to register a dog on the centralised registration system:

- dog owners
- local governments on behalf of dog owners (registrations made in person or hard copy form)
- dog shelters and rescue organisations
- dog management facilities.

The following stakeholders will be able to use the system to register as a dog breeder on the centralised registration system:

- dog owners (who wish to breed from their dog)
- local governments on behalf of dog breeders (registrations made in person or hard copy form)
- dog shelters and rescue organisations
- dog management facilities.

Local governments will be responsible for approving dog and breeder registrations in their district. The registration will not be complete until approved by the local government. In the process of approving dog registration applications, local governments can verify the microchip and de-sexing details through, for example, examining the dog's sterilisation certificate.

Potential Role for Veterinarians

Another possible option is that veterinarians be required to update the system with a dog's de-sexed and microchip information. In South Australia and New South Wales, veterinarians are able to update their centralised system with a dog's microchip details. The advantages of this are:

- a veterinarian can verify the de-sexing and microchipping of the dog without a local government having to examine a sterilisation certificate
- this is likely to be a more accurate and reliable method
- local governments can quickly process dog registrations as they do not have to confirm the microchip and de-sexing details (unless not already entered)
- the information is verified and entered in the system at the point of microchipping and de-sexing, meaning there is no delay in updating this information.

This will create a cost to veterinarian practices who will need to expend time and resources on undertaking this function.

Veterinarians will not be responsible for ensuring dog owners comply with the microchipping and de-sexing requirements. They will also not be obliged to notify a local government of a dog owner's non-compliance with the requirements.

Under this proposal, a veterinarian will be able to update a registered dog's details. If the dog is not registered prior to the veterinarian undertaking the microchipping and/or de-sexing, the veterinarian will still be able to enter the dog's microchip details and sterilisation status into the centralised registration system.

Owners will then be responsible for searching the system for the microchip details of their dog, and completing their registration.

Reports could be generated to show dogs that have been entered in the system by veterinarians, but have not been registered by their owner. Local governments would then be able to identify dog owners that have not registered their dog in accordance with the Dog Act.

Questions

10. Do you think veterinarians should be able to update and input dog's microchip and sterilisation details into the system?

- Yes**
- No
- Unsure

Please indicate why it would be useful:

As we believe that registration and microchipping is to be completed by the time a dog reaches six months of age, the microchipping and de-sexing (if required), would be completed prior to registration.

The only requirement if a veterinarian was to access the database is to update when a dog is de-sexed or when the dog was used for breeding or a working dog, and then the veterinarian may be able to update the details. This option would have to be endorsed by the Australian Veterinary Association.

11. Should it be a mandatory requirement for veterinarians to input this information into the system, or optional for veterinarians to input this information?

- Mandatory
- Optional
- Not applicable**

Please provide reasons for your preference:

This would have to be endorsed by the Australian Veterinary Association.

12. Do you perceive any benefits in veterinarians undertaking this role?
Information can be put on the database at the time of microchipping and de-sexing allowing administration efficiency for the Local Government.

13. Please indicate what other information you think veterinarians should be able to update or access on the system?

- Enter a dog registration on an owner's behalf
- Search for the identity of a dog and its owner**

- Enter vet specific information on any registered animal**
- Report and enter details of animal incidents such as dog attacks**
- Report dog deaths**
- Other – please specify:**

Allowances should be made for veterinarians or veterinary practices to advise the Local Government of any incidents such as dog attacks, or report dog deaths.

4.8 Transition existing dog registers

Introducing a centralised registration system will mean the information in the existing local government dog registers will need to be transferred to the central register. This could be phased in over a number of years.

Local governments currently use at least five different registration systems, ranging from a sophisticated purpose-built database to a spreadsheet. A survey of local governments, with 53 local government respondents, found that 68% used Synergy, 13% used Civica, 8% used TechnologyOne, 8% used Pathway and 2% used an Excel spreadsheet.

Annual dog registrations

It is proposed that annual dog registrations will be transferred to the centralised system from the local government systems on renewal. Under the Dog Act, annual dog registrations expire on 1 November of every year.

Once the centralised registration system is developed and launched, annual dog registrations will be incorporated into the centralised registration system by requiring dog owners to renew their annual dog registration through the centralised system.

Essentially, dog owners that have registered their dogs annually will be captured when they renew their dog registration.

Three year dog registrations

Similar to annual dog registrations, owners that have registered their dog for a period of three years will be transferred to the centralised system when they renew their dog's registration. As for annual registrations it will be the owner's responsibility to enter their data into the new system at the time of re-registration.

This means that it will take the centralised system three years to incorporate the three-year period dog registrations.

Lifetime dog registrations

Lifetime dog registration means the owner never has to renew their dog's registration. As such, their dog's registration cannot be recorded on the centralised dog registration system through the renewal of the registration.

There are three options to capture lifetime dog registrations on the centralised system:

Option 1: Software

Data migration software could be created to transfer the information in each local government's register to the centralised system.

Software created to transfer dog registration information from local government systems to the centralised system would need to be specific to each type of software system the local governments currently use. It is not known if local governments using the same registration system have it configured in the same way. The expense of creating data migration software for each system would be significant, and adequate time would be needed to develop the data migration software for each type of registered software used by local governments.

Dog registration fees would potentially have to increase to cover the costs of funding the data migration software or a one-off registration charge apply for registrations on the new system. The disadvantage with this option is that the cost is also borne by new dog owners, as opposed to just the existing dog owners whose data is being migrated. Owners with life-time registration would bear none of the costs.

Option 2: Manual entry

Another option is to manually transfer the lifetime dog registrations to the centralised system. This would require local government staff to enter the information.

It would also mean that local government resources would be used on transferring information as opposed to undertaking other local government duties. It would, however, mean that local governments would no longer have to manage a dual system of registrations so there would be time and cost savings in the medium and longer term.

Sufficient time would also need to be provided to allow local governments to transfer the information – this could be three years in line with the transition of the three-year registrations.

Option 3: Owner’s responsibility

Another option is to make it the responsibility of existing owners to re-register under the new centralised system.

Local governments could identify lifetime registrations on their system and send letters and information to owners with lifetime dog registrations instructing them to re-register their dog on the centralised system. There would be no charge for this process.

Upon re-registering online, owners would complete a specific registration form identifying them as a dog owner with an existing lifetime dog registration. Local governments could confirm this against their existing register and waive the registration fee.

If a person does not have online access, the local government could process the re-registration on the owner’s behalf.

Currently, owners with a lifetime dog registration are not required to update a local government when their dog dies. Local governments are likely to therefore have active registrations for dogs that have passed away. One advantage of owners re-registering their lifetime dog registrations is that the register will not be updated with deceased dogs.

There is a risk that owners will not undertake the re-registration and may not re-register their dog.

Questions

14. Please indicate your preference for the following:

- Option 1 – Develop and provide data migration software to transfer lifetime dog registrations to the centralised registration system.**
- Option 2 – Local governments manually enter lifetime dog registrations into the centralised registration system.
- Option 3 – Owners re-register their lifetime dog registration on the centralised registration system.

Please indicate reasons for your preference:

State Government need to take the lead on data migration without a cost associated to the owner or Local Governments.

15. Are there other options for transferring existing dogs onto the centralised system?

Investigations could be carried out to the possibility of Local Governments exporting the data in an excel file which can be uploaded onto the centralised database system.

16. Which of the following would you support to cover the costs of migrating existing data?

- an increase in the registration fee
- a one-off payment by dog owners
- other
- none – Costs should be State Governments responsibility**

One option is that existing lifetime dog registrations are not transferred to the new system and local government registers would need to be retained for at least a 15-year period following the launch of the centralised system and authorities would have to refer to both the centralised system and individual local government dog registers.

17. Should lifetime dog registrations be transferred to the new system?

- Yes**
- No
- Unsure

18. Please indicate your local government district and the software you currently use for your dog register:

- a) Local government district: City of South Perth**
- b) Dog register software: Authority**

19. Please indicate if the software used for your local government dog register is the same as the software used for your local government's cat register:

- Yes**
- No
- Unsure

20. Have you modified the software you currently use?

- Yes
- No**
- Unsure

21. Is your local government easily able to identify lifetime dog registrations in your dog register?

- Yes**
- No
- Unsure

22. How many lifetime dog registrations does your local government currently have?

1940 lifetime dog registrations

23. Does your local government have the capacity to extract data from your dog register software and provide the extracted data in an Excel spreadsheet?

- Yes**
- No
- Unsure

4.9 Application and approval – dog breeder registration

A dog breeder will be broadly defined under the Dog Act, and will include any owner who has a dog that is not de-sexed, except if the dog is not de-sexed on health grounds.

The requirement to register as a dog breeder will come into effect once the centralised registration system is operational.

While it is envisaged that a majority of breeders will be registered prior to their dog having puppies, dog owners that are not registered will need to register as a breeder within seven days of the birth of puppies and/ or before the puppies are transferred to another person. This will ensure the local government has adequate time to process and approve the dog breeder registration application before the puppies are potentially transferred to another owner.

The information supplied by dog breeders at registration will impact the ability of the local governments to make an informed decision on approval of dog breeder registration.

The information cat breeders must provide when applying for approval to breed cats includes:

- the breeder's details, including address and contact details
- the cat's details, including microchip details

- questions in relation to the breeding of the cat, including the number of cats being kept on the premises, a description of the facilities, and whether they are a member of one of the listed organisations
- the requirement to provide details of any previous convictions against the Cat Act, Dog Act or Animal Welfare Act
- a declaration that the information provided is true and correct.

It is proposed that similar information is provided when dog breeders apply for dog breeder registration. Instead of providing information on the premises and facilities, it is proposed that dog breeders would need to indicate and certify that they were compliant with any minimum standards for dog breeding, housing and husbandry (once they came into effect).

Breeders will be required to renew their dog breeder registrations annually. Registered breeders will also be required to update any change to their information within seven days.

Questions

1. What information do you think a dog breeder should provide when applying for breeder registration or renewal?
 - The number of dogs being kept on the premises**
 - A description of the premises where the dogs are being kept**
 - A description of the facilities**
 - The breed of dogs**
 - Whether a person has been convicted of an offence under the Dog Act, Cat Act, Animal Welfare Act or a dog or cat local law.**
 - Certification that they comply and will continue to comply with animal breeding, housing and husbandry standards – **This would be the responsibility of the Breeders Association.**
 - Other – please specify:**
Dog Breeders should be registered as an individual including the company name and details for compliance and enforcement purposes. Proof of identity must be produced (ie 100 point identification)
2. What do you think local governments should take into account when considering a dog breeder application or renewal?
 - The number of dogs being kept on the premises**
 - The breed of dogs**
 - Convictions under the Dog Act, Cat Act, Animal Welfare Act, or a**

Questions

dog or cat local law

Other – please specify:

Location (within Kennel zones) This will make it difficult for back yard breeders to comply.

The Dog Act allows a dog registration officer from the local government, with the consent of the owner or occupier, to enter and inspect premises to ascertain whether a dog will be effectively confined on the premises. It is a condition of dog registration that a dog must be effectively confined to the premises in which it is kept.

3. Should local governments have the power to enter and inspect premises of a dog breeder, or premises that are subject to a dog breeder application or renewal?

Yes

No

Unsure

4. In what situations should a local government be able to enter and inspect premises of a dog breeder of that are subject to a dog breeder application or renewal?

Where the dog breeder owns more than a certain number of dogs, or owns a kennel establishment

If yes, how many? **2 Dogs**

No

Unsure

4.10 Conditions – dog breeder registration

Dog breeders registered with the government will be required to comply with particular conditions. This will include legislative requirements relating to information that must be provided when transferring a dog and the requirement to update a dog's microchip database details with the breeder's dog owner number.

Dog breeders will also be required to comply with the requirements under the Dog Act, Cat Act and Animal Welfare Act and the mandatory dog breeding standards and guidelines when they are introduced under the Animal Welfare Act.

Registered dog breeders will also be required to notify the local government if any details of their dog registration changes.

Dog numbers

The number of dogs a dog breeder can keep on their premises will remain consistent with the current requirements under the Dog Act.

Currently local governments, through the adoption of local laws, can limit the number of dogs ordinarily kept on premises that are aged over three months to any number between two and six. If a person would like to keep more than the permitted number of dogs, they must apply for a kennel licence from their local government.

Under the Cat (Uniform Local Provisions) Regulations, members of certain cat associations are allowed to have three times the number of cats allowed on premises. This provision was introduced for cats as there were no existing limits on cat numbers before the introduction of the Cat Act. Dog breeders who are members of certain dog associations will not be able to keep more dogs than the limits set by their local government.

It is possible that the standards for dog breeding, housing, husbandry, transport and sale will consider setting limits on the number of breeding dogs a person can own. This will be considered during consultation on the standards.

Questions

5. Please specify any additional conditions with which dog breeders should comply:

Standards in relation to kennel set-up, construction and maintenance/cleaning. For home breeders (non-commercial) they should have to ensure fencing/containment of non-sterilised dogs is adequate.

All breeders should be required to prove they meet minimum veterinarian checks on the health and well-being of the breeding dogs and also that the dogs are kept in clean and appropriate housing for their breed/size.

6. On what grounds do you believe a local government could cancel a dog breeder registration?

The dog breeder is convicted of an offence under the Dog Act, Cat Act, Animal Welfare Act, or a dog or cat local law

The dog breeder is convicted of an offence under Australian Consumer Law in relation to dogs they have sold or transferred

Failing to provide their dog owner number on the microchips of the puppies that they breed

Failing to provide their dog owner number when advertising or transferring a dog

Keeping more than the approved number of dogs on the premises

Other – please specify:

Failure to comply with Licence conditions (e.g. Cleanliness etc)

4.11 Exemptions – dog breeder registration

Livestock working dogs

In Queensland, primary producers that own and breed livestock working dogs are exempt from registering as dog breeders where they sell or transfer puppies they have bred to other primary producers.

If a primary producer sells or transfers a puppy they have bred to someone who is not a primary producer, then they are required to register as a dog breeder, and supply their dog breeder registration number.

Queensland legislation defines a **primary producer** as meaning a person who is primarily engaged in the occupation of a –

- (i) dairy farmer; or
- (ii) wheat, maize, or cereal grower; or
- (iii) cane grower; or
- (iv) fruit grower; or
- (v) grazier; or
- (vi) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising; and

includes a person engaged in primary production.

A **working dog** is defined as meaning a dog that is usually kept or proposed to be kept on rural land by an owner who is a primary producer, or a person engaged or employed by a primary producer; and is used primarily for the purpose of—

- (i) droving, protecting, tending, or working, stock; or
- (ii) being trained in droving, protecting, tending, or working, stock.

Questions

7. Should primary producers in WA be exempt from registering as dog breeders where they breed and transfer livestock working dogs to other primary producers?

- Yes
- No**
- Unsure

Questions

Please provide reasons for your response:

This would come under the Kennel Licence. One of the purposes of registering breeders is that the puppies can then be tracked throughout their life.

8. Should primary producers in WA be exempt from registering as dog breeders where they breed and transfer livestock working dogs to any person?
- Yes
- No**
- Unsure

Please provide reasons for your response:

As above.

Dog breeders registered with recognised breeding associations

There are dog breeders in WA that are members of non-Government dog breeding organisations and associations.

Dogs West, as an example, is a pedigree breeding association in Western Australia whose members are required to abide by a Code of Ethics.

Following the introduction of the centralised registration system, members of Dogs West will be required to register as a dog breeder with the Government.

Questions

9. Should particular dog breeders that are members of particular dog breeding associations be exempt from registering with the Government as dog breeders?
- Yes
- No**
- Unsure

Questions

Please provide reasons for your response:

All breeders should be registered. Enforcement of the regulations under the Dog Act falls to the Local Government so the members of Associations should be registered with the Government.

In South Australia, dog breeder registration has recently been introduced.

Members of Dogs SA (the Dogs West equivalent) are not exempt from registering as dog breeders, but Dogs SA are responsible for inputting and maintaining their member's details into the dog breeder register.

The membership number issued by Dogs SA is also used as the Government dog breeder registration number.

10. Should recognised dog breeder associations in WA be responsible for inputting the details of their members into the Government's dog breeder register on the centralised registration system?

- Yes
 No
 Unsure

Please provide reasons for your response:

Local Governments responsibility as they would need to approve the Kennel Licence.

11. What do you perceive to be the benefits of recognised dog breeder associations inputting their members details into the Government's dog breeder register? (You may select more than one option)

- Creates consistency between registers
 Avoids duplication for dog breeders who would otherwise need to register with both associations
 Potentially lessens the administrative burden on local governments
 Ensures that dog breeders registered with dog breeder associations are also registered with the Government and can be traced on the Government system
 Other – please specify:

By allowing recognised dog breeder associations inputting their member's details into the Government's dog breeder register could create mis-information with the Local Government approval.

Questions

12. What obligations should there be on recognised dog breeder associations that input their members details into the Government's dog breeder register? (you may select more than one option)

- Recognised dog breeder associations must update any change of their member's details within seven days of being notified of the change
- Recognised dog breeder associations must notify the relevant local government when a dog breeder is no longer a member of their association
- Recognised dog breeder associations must notify the relevant local government if a member's membership of their association is cancelled by the association
- Recognised dog breeder associations must notify relevant enforcement agencies where they find evidence that one of their members is not complying with the requirements under the Dog Act, Animal Welfare Act or a relevant dog local law
- Other – please specify:**
None – Please refer to question above.

4.12 Transferring a dog

Dog breeders and dog microchip information

Under the new centralised registration system, every owner that registers a dog will be issued with a 'dog owner number' that is unique to the owner. Effectively, every dog owner will have an identification number.

A dog breeder will be required to record their details and their unique 'dog owner number' alongside the microchip details of every puppy bred from their dog/s. This will ensure that the breeder's details are permanently recorded for each dog.

Microchip implanters will be required to provide the following information to the microchip company:

- Information on the dog breeder that owns and bred the dog's mother:
 - Their 'dog owner number'
 - Their name, address and contact details
- If known, information on the dog breeder that owns the dog's fathers:
 - Their 'dog owner number'
 - Their name, address and contact details

Microchip database companies will be required to record and retain this information alongside the microchip information of a dog.

Providing information when transferring a dog

Any person who sells, gives away, transfers or advertises a dog will be required to provide their 'dog owner number' and the dog's microchip number. Both numbers must be provided in any advertisement that advertises dogs or puppies for sale.

This will assist in tracking a dog, and identifying where a dog has come from.

Furthermore, if the person selling, giving away, transferring or advertising a dog claims to have bred the dog, a consumer can verify if they are a registered breeder on the centralised registration system by searching the 'dog owner number' provided by the breeder.

Consumers will be educated about only sourcing dogs from dog owners that provide their dog owner number and the dog's microchip number. This will help members of the public source dogs and puppies from registered dog breeders that can be identified and held accountable.

If a person has not bred a dog and transfers a dog, they must still provide their dog owner number and the dog's microchip number, to ensure authorities can identify and trace where a dog has been sourced from.

To monitor compliance with this requirement, members of the public will be encouraged to report non-compliant advertisements to an enforcement agency.

Questions

13. Are there other ways to monitor or ensure dog advertisements comply with the requirement to provide both the dog owner number and dog's microchip number? Please specify: **No, there needs to be an overarching and consistent enforcement body that is responsible for monitoring and enforcing advertisements.**
14. What agency could be responsible for prosecuting dog owners and breeders that do not comply with the transfer and advertisement requirements?
- Department of Local Government, Sport and Cultural Industries**
 - Department of Primary Industries and Regional Development
 - Consumer Protection WA**
 - RSPCA

Questions

- Unsure
- Other – please specify: _____

15. What is your agency's capacity (considering benefits, issues and costs) to enforce these requirements?

- Full capacity
- Some capacity
- Limited capacity**
- No capacity

Jurisdictional issues

Dog breeders and dog owners outside of WA are not subject to the requirement to have a dog owner number. If they sell, advertise or transfer a dog to a person in WA, they will not be able to comply with the requirement to provide a dog owner number.

If the transaction occurs outside of WA, then the transaction is not subject to WA law and the requirement to provide such details.

If the transaction occurs within WA, then this will be an issue.

For dog breeders and dog owners that reside outside the State and need a dog owner number to advertise and transfer dogs in WA, they will still need to apply for an 'interstate dog owner number'. Such applications will need to be made to a central agency, most likely the Government Department responsible for administering the Dog Act.

Online advertisements posted online outside of WA, but that are shown and advertised within WA also present a unique issue with enforcing the requirements. These issues are under consideration by the Department.

4.13 Enforcement

Local governments will be required to enforce the requirement that dog breeders, and owners of dogs that are not de-sexed unless they are exempt, are registered.

Enforcement will involve:

- Processing dog breeder applications;
- Cancelling dog breeder registrations where non-compliance with the dog breeder conditions is discovered;

- Investigating dog breeding by unregistered dog breeders;
- Prosecuting or fining an unregistered dog breeder.

The expectation is that local governments will investigate non-compliance with the dog breeder requirements upon complaint. This could include inspecting premises to determine compliance with the Dog Act, including whether a dog owner is breeding dogs without being registered, or keeping more than the number of dogs allowed on their premises. It is not proposed that this will include investigating compliance with the mandatory standards for dog breeding, housing, husbandry, transport and sale as the standards are not being introduced under the Dog Act.

Economic modelling will be undertaken to assess the costs that local governments will incur as a result of enforcing these requirements.

Questions

8. To ensure dog breeders are complying with the requirements under the Dog Act, would your local government prefer to:

- investigate non-compliance upon complaint**
- undertake a regular inspection regime**
- unsure

(This will **not** include investigating compliance with the Mandatory Standards for Dog Breeding, Housing, Husbandry, Transport and Sale).

9. Are the current fines under the Dog Act sufficient to cover the cost of investigating and enforcing non-compliance?

- Yes
- No**
- Unsure

Enabling enforcement

The centralised registration system is intended to make it easier for local government authorities to identify dog owners and dog breeders across the State.

The centralised registration system could also assist in monitoring and enforcing the current and proposed requirements under the Dog Act.

The system could potentially be designed to generate reports to identify specific information for each local government such as:

- dog owners that have not renewed their dog registration, or annual dog breeder registration;
- dogs that are not de-sexed or that are exempt from de-sexing;
- the number of dogs kept on a single premises that exceeds the limit, or dog owner's that own more dogs than the limit on a single premises so they can be monitored for compliance.

Questions

1. Please indicate what reports would assist local governments in enforcing the requirements under the Dog Act:

- Dog owners that have not renewed their dog registration**
- Dog owners that have not renewed their annual dog breeder registration**
- Dogs that are not de-sexed**
- Premises where the number of dog exceeds the limit**
- Number of dogs owned by a dog owner that exceeds the limit that can be kept on a single premises**

2. **What other reports would assist local governments to monitor and enforce the existing and proposed provisions under the Dog Act?**

- **Number of Kennel Licences under a breeders name**
- **Any breaches under the various Acts.**
- **When a dog in the district has it's status changed i.e. gets sterilised, gets declared dangerous, is involved in a dog attack outside of the district etc.**

Transitioning Pet Shops to Adoption Centres

5.1 Introduction

As detailed in the Stop Puppy Farming Consultation Paper, it is intended to amend the *Dog Act 1976* (the Dog Act) so that pet shops will only be able to source puppies and dogs for sale from 'properly accredited' rescue organisations or shelters.

The areas of implementation on which further input is sought are:

- the accreditation of rescue organisations or shelters;
- the assessment of the health and behaviour of dogs;
- the period to transition pet shops to adoption centres;
- the arrangements that will need to be developed between pet shops and rescue organisations and shelters; and
- enforcement, including who will be responsible and how enforcement will be undertaken.

5.2 Objective

The objective of transitioning pet shops to adoption centres is to help break the supply chain with puppy farms and to address the homeless dog problem.

Puppy farming....is a covert industry that relies on hiding the true circumstances of how puppies are raised from buyers. Because of this, puppy farmers rely on pet shops, online sales, newspapers, and markets to sell puppies.⁴

Purchasing a dog from a pet shop means that the consumer is unable to trace, or know with any certainty, from where a dog was sourced. Restricting pet shops to only sourcing dogs from dog rescues and shelters will mean that a potential outlet for puppy farms is closed.

People looking to purchase or acquire a puppy will either need to purchase a puppy directly from the source (directly from a dog breeder) or purchase or adopt an abandoned or surrendered dog from a pet shop, dog rescue or shelter.

⁴ Page 3, Steering Committee Report - *Puppy Farming in Western Australia: why this trade needs to end and recommendations to achieve this*, November 2015, Appendix 1.

Consumers will be educated about sourcing puppies only from dog breeders registered on the centralised database and will be encouraged to visit the dog breeder and view the conditions in which the puppy was bred and reared. This will ensure that consumers are not purchasing dogs from 'puppy farms', or at the very least will assist in tracing dogs to irresponsible breeders if issues with the puppy arise.

Consumers that purchase an abandoned or surrendered dog from a pet shop will assist in reducing the number of unwanted dogs that are either euthanised or kept at rescue or shelter facilities.

5.3 Accreditation of rescue organisations and shelters

Under the new proposals, pet shops will only be able to source puppies and dogs for sale from 'properly accredited' rescue organisations or shelters. Dog rescue organisations and shelters will be accredited by the State Government.

Questions

1. Should accredited rescue organisations and shelters be monitored?
 Yes
 No
 Unsure
 Depends on the following factors (please specify): _____

2. How should they be monitored?
 Audits
 Inspections
 Annual reporting
 Unsure
 Not applicable – they should not be monitored
 Other: _____

3. Do you believe your agency should have a role in accrediting rescue organisations and shelters?
 Yes
 No
 Unsure
 Depends on the following factors (please specify):

Please specify reasons for your response:

Local Governments need to approve Kennel Licences including for Rescue groups and Shelters.

Questions

4. If you answered yes, what would this role be?

Local Governments need to approve Kennel Licences including for Rescue groups and Shelters.

5.4 Assessment of the health and behaviour of dogs

The origins of dogs in rescue organisations and shelters is generally unknown. To provide confidence to potential new owners, it is intended that every dog supplied to a pet shop must pass a health and behavioural assessment. Pet shops will need to ensure that each dog has a health and behavioural certificate.

5.5 Transition period

Pet shops will be gradually transitioned into adoption centres to allow time for pet shops to make arrangements with dog rescue organisations and shelters.

Option 1 – Two year transition

Under this option, pet shops will be transitioned within two years of the legislation coming into effect.

In the interim, pet shops will be able to source puppies and dogs as they currently do.

Option 2 – Five-year transition

Under this option, pet shops will be transitioned within five years.

From date of amendment to the Dog Act	Where pet shops can source dogs:
0 to 2 years	Pet shops can source dogs from a dog breeder registered as such on the centralised database.
2 to 5 years	Pet shops selling dogs will be required to source dogs from accredited dog rescues and shelters, but can still also source dogs from registered breeders.
5 years onwards	Pet shops can only source dogs from accredited dog rescues and shelters.

5.6 Arrangements between pet shops and rescue organisations and shelters

It is likely that pet shops will need to form arrangements with accredited dog rescue organisation and shelters to ensure the responsible supply of dogs.

Pet shops and rescue organisations have been asked to provide feedback on what those arrangements should cover, for example, where the dog will be housed.

5.7 Enforcement

It is estimated that there are approximately 15 pet shops in Western Australia that sell puppies and dogs. After the transition period, pet shops will need to be monitored to ensure they are only sourcing dogs from accredited dog rescue organisations and shelters.

Furthermore, during the transition period pet shops would need to be monitored to ensure they are only sourcing dogs from registered dog breeders (following the introduction of dog breeder registration).

Pet shops could be monitored in a number of ways:

Option 1 – Public monitoring

Pet shops would be required to display a certificate confirming the source of the dog is from an accredited rescue organisation or shelter. The public could report pet shops to an enforcement agency that are not providing a certificate verifying the dog's source.

Option 2 – Inspections

An enforcement agency would be responsible for inspecting pet shops that sell dogs, whether randomly or periodically, and require the pet shop to provide information upon request.

Option 3 – Audits

Pet shops would be required to be audited by a particular enforcement agency, whether periodically or randomly.

Option 4 – Audited and inspected upon complaint

The enforcement agency would inspect and audit a pet shop only where concerns were raised about the pet shops compliance with the laws.

The type of enforcement undertaken will assist in informing what agency is best placed to undertake enforcement. The capacity and resources of the agency would also need to be considered.

Questions

5. Should pet shops have to register with a relevant authority if they sell dogs?
- Yes**
 - No
 - Unsure
6. Should it be an offence to fail to register?
- Yes**
 - No
 - Unsure
7. What information and records should a pet shop maintain to ensure compliance with the pet shop provisions can be monitored?
- Records of where dogs have been sourced from**
 - Details of new owners**
 - Details of health and behaviour checks**
 - Other – please specify: _____
8. What information and records should a rescue organisation and rescue maintain to ensure pet shops can be monitored and information verified?
- Rescue organisations should have to record where the dog came from, which pet shop it was provided to, evidence of a registered pet shop, identification of dog details (microchip/dog number etc), health/wellbeing/temperament records for the time in the rescue.**
9. How should a pet shop be monitored for compliance?
- Option 1 – Public monitoring**
 - Option 2 – Inspections**
 - Option 3 – Audits**
 - Option 4 – Audited and inspected upon complaint**
 - Other – please specify: ■ _____